

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, July 29, 2008, the following members were present:

Greg Jergeson, Chairman
Doug Mood, Vice Chairman
Brad Molnar, Commissioner
Robert H. Raney, Commissioner
Ken Toole, Commissioner

APPEARANCE
Scott Fabel, Utility Division

(258) In the matter of N2008.7.78: On July 14, 2008, CenturyTel filed advice 08-04.

Commissioner Toole moved to approve CenturyTel's Advice 08-04 in Docket N2008.7.78. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE
Gary Duncan, Utility Division

(259) In the matter of N2008.7.77: On July 14, 2008 Qwest Corporation filed for Commission approval a Multi-State Agreement between Qwest and Border States Industries, Inc.

Commissioner Raney moved to approve the Multi-State Agreement between Qwest and Border States Industries, Inc. in Docket No. N2008.7.77. Commissioner Toole seconded the motion, which passed unanimously.

(260) In the matter of N2008.7.76: Qwest Services Corporation. On July 11, 2008, Qwest Service Corporation filed a Petition for Waiver of Months to Exhaust/Utilization Threshold requirements set forth in the FCC's Number Resource Optimization Order, FCC 00-429 and FCC 01-362.

Commissioner Mood moved to approve the Qwest Waiver Request in Docket No. N2008.7.76 and direct Neustar to allocate the requested number blocks to Qwest for use by Blue Cross Blue Shield. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(261) In the matter of the approval of Commission Minutes for the week of July 21, 2008;

Commissioner Mood moved to approve the Commission Minutes for the week of July 21, 2008. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division
Gary Duncan, Utility Division

(262) In the matter of the Commission's discussion of D2008.5.43: Qwest Corporation and Access Point, Inc. Interconnection Agreement;

Commissioner Toole moved to approve the Qwest Corporation and Access Point, Inc. interconnection agreement in Docket No. D2008.5.43. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Eric Eck, Utility Division

(263) In the matter of the Commission's discussion of D2008.6.65: Black Hills Power Quarterly Fuel Rate Rider.

Commissioner Molnar moved to approve Black Hills Power Quarterly Fuel Rate Rider in Docket D2008.6.65. Commissioner Toole seconded the motion, which passed

APPEARANCE

Robin McHugh, Administrator, Legal Division
Vicki Duncan, Consumer Division

(264) In the matter of the Commission's discussion of N2008.7.83: NorthWestern Energy Medical Emergency rule application/payment arrangements;

Commissioner Mood moved to approve a monthly payment arrangement (\$113.00/month), and directed staff to draft an appropriate Notice of Commission Action. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Administrator, Legal Division
Tina Shorten, Consumer Division

(265) In the matter of the Commission's discussion of N2008.7.81: NorthWestern Energy Medical Emergency rule application/payment arrangements;

Commissioner Raney moved to approve a monthly payment arrangement (\$120.00/month) and directed staff to draft and appropriate Notice of Commission Action. Commissioner Mood seconded the motion, which passed unanimously.

APPEARANCE

Dave Burchett, Utility Division

(266) In the matter of the Commission's discussion of D2008.5.44: NorthWestern Energy annual application of unreflected gas cost account balance, projected gas cost and gas transportation adjustment;

Commissioner Raney moved to approve the annual application of unreflected gas cost account balance, projected gas cost and gas transportation adjustment. Commissioner Mood seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division

(267) In the matter of the Commission's discussion of D2008.6.69: NorthWestern Energy application for approval of its interest in Colstrip Unit 4;

Commissioner Raney moved to grant NorthWestern Energy's motion for a protective order to standard terms with respect to the Amended and Restated Coal Supply Agreement only to the extent that information is redacted in Westmoreland Coal Company's Attachment 10.1 to Form 10-Q/A, Amendment No.1 for the quarter ended June 30, 2001, and filed on July 25, 2007; to grant NorthWestern Energy's motion for a protective order on standard terms with respect to the detail of coal cost information except for information disclosed on monthly invoices that the seller did not mark as confidential; and to deny NorthWestern Energy's motion for a protective order with respect to monthly invoices to the extent that the invoices were not marked as confidential when sent to NorthWestern Energy, and to order NorthWestern Energy to provide all information, whether public or protected, no later than five business days after the issuance of an order. Commissioner Toole seconded the motion, which passed unanimously.

Commissioner Toole moved to deny NorthWestern Energy's motion for a protective order with respect to documents identified as items 21-30, 51-52 as covered by another order, 61-62, 67-68, 148-149, 292 for 2008 only, 304-308, 331-334, 340-345 and 353 to the extent that the plan was not marked confidential when delivered to NorthWestern Energy; and to grant NorthWestern Energy's motion for a protective order on standard terms with respect to documents identified as items 4-5, 16-17, 148-149, 271-290, and 390-391; and to order NorthWestern Energy to provide all information, whether public or protected, no later than five business days after issuance of an order. Commissioner Raney seconded the motion, which passed unanimously.

(268) In the matter of the Commission's discussion of D2008.4.36: NorthWestern Energy investigation of compliance with Order 6505e;

Commissioner Mood moved to grant Montana Consumer Counsel's motion to Compel Production with respect to all items except 573, 574 and 797; to grant Montana Consumer Counsel's motion with respect to items 573 and 574 unless NorthWestern Energy demonstrates that the Banker presentation was not made; and to deny Montana Consumer Counsel's motion with respect to item 797. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division
Will Rosquist, Utility Division

(269) In the matter of the Commission's discussion of D2007.5.46 and D2006.5.66: NorthWestern Energy application for approval of electric supply deferred cost account balance and projected electric power supply cost;

Commissioner Raney moved to deny the motion for reconsideration of order number 6836c in combined dockets D2007.5.46 and D2006.5.66. Commissioner Toole seconded the motion, which passed 4-1. Commissioner Molnar voted no.

APPEARANCE

Dave Burchett, Utility Division

(270) In the matter of the Commission's discussion of D2007.9.107: Montana Dakota Utility waiver of section 2a of its Rate 88 Tariff.

Commissioner Jergeson moved to approve the waiver of Section 2a of the Rate 88 Tariff that specifies gas tracking adjustments be implemented on a bills rendered basis, and to continue service rendered through August and September 2008. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

Kim Moran, Utility Division

(271) In the matter of the Commission's discussion of D2006.1.2: Montana Dakota Utility AARP complaint re: use of USB electric collected funds for natural gas programs.

Commissioner Raney moved to approve the Stipulation for the 2008-2009 heating season only, and direct Montana Dakota Utility to file with the Commission, on or before March 1, 2009, proposed electric and natural gas 2009 USB budgets, along with proposed electric and natural gas USB charges necessary to fully and separately fund the respective USB programs and direct staff to draft a final order.

APPEARANCE

Justin Kraske, Legal Division

Leroy Beeby, Utility Division

(272) In the matter of the Commission's discussion of D2007.8.96: Cut Bank Gas application for approval of true-up of gas cost tracking adjustment.

Commissioner Toole moved to unsuspend the procedural order; and to deny Cut Bank Gas's Motion for Reconsideration. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Brian DeKiep, Utility Division

(273) In the matter of the Commission's discussion of MISO comments on FERC.

Commissioner Jergeson moved to have Montana join other states in support of MISO's comments to FERC. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Mike Lee, Utility Division

(274) In the matter of the Commission's discussion of Travel request for Staff:

Commissioner Toole moved to approve travel for Brian DeKiep to attend the Midwest Demand Response Initiative Demonstration of Smart Grid Technologies on Friday, September 5, 2008 in Chicago, IL. OMS pays for cost of trip. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE
Commissioner Mood

(275) In the matter of the Commission's discussion of 2009 Legislation to deregulate intrastate passenger transportation.

Commissioner Toole moved to recommend that the legislature address the deregulation of intrastate passenger transportation-recommending two proposals: One for taxi operation and one for limo operation with proof of insurance special need for a permit from an agency outside of the Public Service Commission. Commissioner Raney seconded the motion, which passed with a vote of 4-1. Commissioner Molnar voted no.

APPEARANCE
Commissioner Molnar

(276) In the matter of the Commission's discussion of Public Service Commissioner request for an Attorney General opinion regarding 13-37-402, MCA.

Commissioner Molnar moved to send the second version of the Attorney General request for an opinion that Robin McHugh circulated by email that might more accurately comport with the statute. Motion failed for a lack of a second.

There being no further business to come before the Commission the meeting was adjourned.

GREG JERGSON, Chairman

DOUG MOOD, Vice Chairman

BRAD MOLNAR, Commissioner

ROBERT H. RANEY, Commissioner

KEN TOOLE, Commissioner

ATTEST:

Verna Stewart
Commission Secretary

(SEAL)